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ATTORNEYS FOR: Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY CHARLES MATTOS,

Defendant.

No. 2:04-cr-0308-MCE

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
CONFERENCE HEARING FROM,
JANUARY 10, 2006 TO, JANUARY 17,
2006; EXCLUSION OF TIME

HON. MORRISON C. ENGLAND

It is hereby stipulated by the defendant through his undersigned counsel, and the United States, through it's undersigned counsel, that the date now set for a Status Conference Hearing, January 10 at 8:30 am; be continued without appearance to January 17, 2006 at 8:30 am, and that time under the Speedy Trial Act should be excluded through that date.

The Court is aware of the nature of the case and the efforts the parties have made to resolve it and the civil litigation still pending in the District of New Jersey.

At this point, the parties have determined that rather than trying to accomplish what has that difficult logistical feat, that we will attempt to resolve the criminal case and let the civil case proceed to whatever end it reaches.

As the parties have previously stipulated at the arraignment of this case before the Magistrate Judge that this is a complex case, within the meaning of 18 U.S.C. §3161(h)(8)(B)(ii), as the case involves complex factual and legal issues and

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1 tremendous amounts of discovery, most of which is computer generated and which is
2 voluminous.

3 As noted in the previous Stipulation and Order, Mr. DaSilva, Counsel for Verizon,
4 Mr. Leigh Schachter, AUSA Matthew Stegman and myself met with Mr. MATTOS on
5 November 9, 2005 at 9:00 am in the office of the United States Attorney. That the day-
6 long meeting was productive from everyone's point of view and the parties were taking
7 steps to further resolve issues developed at the meeting.

8 However we have been unable to reach any global resolution and thus the
9 parties to this case request one further week to resolve issues in the government's
10 proposed plea agreement.

11 As in the past, AUSA Stegman and I have discussed the status of the case and
12 stipulate to this request and Mr. Stegman has requested that I file this Stipulation and
13 Order and has again allowed me to sign his name to this Stipulation & Proposed Order.

14 The parties further stipulate that time be excluded pursuant to the Speedy Trial
15 Act, 18 U.S.C. §3161(h)(8)(B)(ii), complexity of the case and (iv) to allow sufficient time
16 for counsel to be prepared; [Local Codes T2 and T4], until the next appearance, on
17 January 17, 2006 or by further order of this Court.

18
19 Dated: January 9, 2006

20
21 McGREGOR W. SCOTT
United States Attorney

22
23 By: _____/S/_____
24 MATTHEW STEGMAN
25 Assistant U. S. Attorney

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27 By: _____/S/_____
28 CHRISTOPHER H. WING
Attorney for Defendant

[PROPOSED] ORDER

This matter having come on before me pursuant to the stipulation of the parties and good cause appearing therefore,

IT IS ORDERED THAT: the Status Conference Hearing now set for January 10, 2006 at 8:30 am is vacated and the matter set for a Status Conference Hearing on, January 17, 2006 at 8:30 am.

Further, the Court finds that time is excluded based upon the representation of the parties and such time will be excluded pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(B)(ii), complexity of the case and (iv) to allow sufficient time for counsel to be prepared; [Local Codes T2 and T4], until the next appearance, on January 17, 2006 or by further order of this Court.

Dated: January 11, 2006


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE